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**IN THE UNITED STATES BANKRUPTCY COURT
 FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

FILED

11/18/20 1:07 pm

CLERK

U.S. BANKRUPTCY
COURT - WDPA

In re: : Case No.: 19-20243-GLT
 : Chapter: 13
 Robert R Kaniuff :
 :
 :
 :
 : Date: 11/18/2020
Debtor(s). : Time: 10:00

PROCEEDING MEMO

MATTER: #94 Debtor's Motion to Sell Property Free and Clear of Liens under Section 363(f)
 #97 - CNO filed

APPEARANCES:

Debtor: Larry Willis
 Trustee: Owen Katz
 Bank of NY Mellon: Maria Miksich

NOTES: (10:01)

Willis: The sale is an arms-lengths transaction to an LLC.

Court: Who are the principals of the buyer?

Willis: I don't know off the top of my head. The purchase price is \$155,000. It would fulfill the Bank of NY Mellon's claim in full. Advertising in the Post Gazette cost \$70 on October 15, and in the legal journal on October 23 with \$161 in costs. I don't have the trustee's percentage.

Katz: \$490.34

Court: Do you have a proof of publication to file?

Willis: I can get it and file it. Dividend to the plan of \$39,046.03. This is estimated to be a 100% plan.

Court: This would eliminate a \$1,164 mortgage payment from the plan?

Willis: Yes, we'll have to file an amended plan. We had several phone calls about the property but no higher or better offers.

[Property Exposed for Sale]

Court: I note the courtroom is open and hearing no other offers, I will deem the offer of Arcadian Realty Group to be the highest and best. I will approve the sale with the changes we noted.

Willis: Is that the correct pay off amount?

Miksich: Yes, as of October 12.

Court: Is there a per diem included?

Miksich: Yes, I can send [Mr. Willis] an updated figure.

OUTCOME:

1. Debtor's *Motion to Sell Property Free and Clear of Liens under Section 363(f)* [Dkt. No. 94] is GRANTED [JH to File Proposed Order at Dkt. No. 94-1 with the following changes: (a) In paragraph (5) insert advertising expenses of "\$161 for the Pittsburgh Legal Journal" and "70 for the Pittsburgh Post-Gazette"; (b) in paragraph (6) insert trustee's percentage fees of "\$490.34"; (c) in paragraph (7) provide that "Proceeds to be held by the trustee pending further order of Court for distribution according to the confirmed plan and shall be earmarked for distribution of timely-filed unsecured claims."; and (d) add at the bottom: "5. Debtor shall file an amended chapter 13 plan within 30 days of the sale closing."

2. Debtor to file a proof of publication within seven days. [Text Order to issue].

DATED: 11/18/2020